

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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ZEF HUTAJ,

Plaintiff,

Civ. No. 23-cv-05770

-against-

PLAINTIFF'S MOTION
FOR LEAVE TO FILE
AMENDED COMPLAINT

77 BLEECKER STREET CORP., CENTURY MANAGEMENT
SERVICES INC, JAVIER RAMIREZ, GEORGE OSORIO,
JOSE SANDOVAL, and JACOB SIROTKIN, individually,

Defendants.
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Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Zef Hutaj respectfully moves the Court for leave to file the attached Amended Complaint.

Rule 15 provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Permitting the Plaintiff to file the Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

In the Proposed Amended Complaint (“PAC”), Plaintiff seeks to add a new Defendant, Stephen Camilleri. Plaintiff’s PAC properly alleges in sum and substance that Camilleri held a supervisory role, that Plaintiff complained to Camilleri about unlawful behavior, and further that Camilleri was personally involved in the disciplinary actions and unlawful termination of the Plaintiff. Based on additional conversations with the Plaintiff and the review of documentary materials, Plaintiff alleges in good faith that Camilleri engaged in practices that violate Title VII, the NYS Human Rights Law and the NYC Administrative Code.

Furthermore, Plaintiff’s proposed Amended Complaint seeks to edit and add additional allegations which clarify and detail Plaintiff’s experience while working for the Defendants. These new allegations play a pivotal role in explaining how each Defendant acted in concert and/or committed unlawful acts.

For all these reasons, and those stated in the attached memorandum of law in support, Plaintiff respectfully requests that the Court grant Plaintiff’s leave to file the attached Amended Complaint.

Dated: April 17, 2024

Respectfully Submitted,

/s/

Paul Liggieri, Esq.

L & D LAW P.C.

Attorneys for Plaintiff

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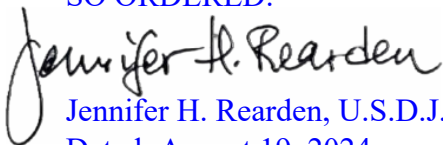
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For substantially the reasons stated in Plaintiff's memorandum of law, *see* ECF No. 30-1, the Court grants Plaintiff's motion for leave to file an amended Complaint. *See* Fed. R. Civ. P. 15(a) (providing that leave to amend a pleading "shall be freely given when justice so requires"). Plaintiff shall file the amended Complaint by **Tuesday, September 3, 2024**.

In light of the foregoing, Defendants' pending motion to dismiss the Complaint, *see* ECF No. 17, is denied without prejudice as moot. *See Doe v. Cnty. of Rockland*, No. 21 Civ. 6751 (KMK), 2022 WL 2533151, at *5 (S.D.N.Y. July 7, 2022) ("[W]here [a] proposed amendment requires leave of court, the preferred course is to grant leave to amend even if doing so renders moot the motion to dismiss, rather than granting the motion to dismiss and rendering moot the motion for leave." (quoting *Env't Sols. Assocs. Grp., LLC v. Conopoco, Inc.*, No. 20 Civ. 10699 (MKV), 2021 WL 2075586, at *1 (S.D.N.Y. May 24, 2021))).

The Clerk of Court is directed to terminate ECF Nos. 17, 30, and 33.

SO ORDERED.

A handwritten signature in black ink, reading "Jennifer H. Rearden". The signature is fluid and cursive, with the first name "Jennifer" being more prominent and the last name "Rearden" following in a similar style.

Jennifer H. Rearden, U.S.D.J.

Dated: August 19, 2024